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SUBJECT: CFE: JCG FALL 2009 OPENING OF SESSION GUIDANCE
AND STATEMENT

REF: (A)STATE 4933, (B)USNATO 309, (C)USOSCE 170,
(D)USOSCE 171

¶1. (SBU) Since Russia's "suspension" of the Treaty on Conventional Armed Forces in Europe (CFE) implementation in December 2007, the Alliance has used the Joint Consultative Group (JCG) to establish a clear record of Russian noncompliance while calling on Russia to return to full implementation. Despite early concerns, others (e.g., Armenia, Azerbaijan) have not imitated the Russian "suspension;" and, when necessary, we have refuted Russian arguments with unified Allied positions.

¶2. (SBU) As the Fall session opens, it is important to keep in mind that December will mark two years of Russian non-implementation of its CFE Treaty commitments. The JCG should continue to serve as the key venue for addressing CFE Treaty compliance and implementation issues, including those compliance failures associated with Russia's "suspension," as well as compliance issues associated with Russia and other CFE States Parties (as detailed in the U.S. Condition 5 Report). Washington is interested in maintaining a single Alliance voice in support of our efforts, while cultivating an environment that does not undermine bilateral negotiations.

¶3. (SBU) Guidance contained in ref A remains in force. USDel should continue to report all instances of noncompliance with CFE Treaty obligations by Russia and other States Parties. In addition, USDel should bilaterally determine via meetings and informal contacts whether any positions have changed and report back to Washington. At the same time, USDel should encourage Allies to maintain a businesslike approach to Russia's noncompliance, encouraging Russia to look forward.

¶4. (SBU) In mid-July, Russia delivered a demarche in Washington, and, we understand, in other Allied capitals, asking a number of questions about provisional application of the adapted CFE Treaty (A/CFE). At the end of last session, Russia brought these questions to the JCG and also provided comments in writing (ref C) on its views regarding the U.S. December 2008 legal analysis on Russia's right to invoke a moratorium on the CFE Treaty. Washington is studying the Russian legal rejoinder and has not yet decided if any response is necessary.

¶5. (SBU) As bilateral consultations with Russia on CFE continue, Washington is interested in maintaining a single Alliance voice in support of our efforts, and in cultivating an environment in the JCG that reinforces the NATO-endorsed positions regarding these negotiations. To this end, USDel should stress the continued interest of the U.S. and its Allies in

creating the conditions that will result in the ratification of the A/CFE. In resisting unhelpful efforts by Russia and possibly others to use the JCG to discuss and/or negotiate elements of the Parallel Actions Package, USdel should emphasize that such diversions do not help efforts to resolve the CFE impasse.

¶6. (SBU) As appropriate to respond to Russia's inquiries, USdel should:

- Continue to reiterate that discussions about the Parallel Actions Package are being addressed elsewhere; efforts to duplicate that work in Vienna will not help efforts to resolve the CFE impasse.
- Regarding allegations that NATO is in "gross violation" of the CFE Treaty, recall that NATO is not a State Party to the CFE Treaty and therefore cannot violate the Treaty. In addition, NATO States Parties have indicated their willingness to discuss issues related to A/CFE, including the goal of achieving lower equipment ceilings and sub-ceilings where possible, once the adapted Treaty enters into force.

¶7. (SBU) The following text is provided for delivery at the opening JCG plenary meeting on Sep 8. U.S. rep may

STATE 00092639 002 OF 002

provide advance copies to NATO Allies and others as appropriate. Begin text:

Good morning, Mr. Chairman,

As we return to begin a new session of the JCG, I wish to reassure you and our colleagues around the table of the continuing United States commitment to the CFE Treaty and our resolve to cooperate actively in creating the conditions necessary to permit the adapted Treaty to enter into force.

Clearly we all feel the absence of the Russian Federation from Treaty implementation activities - other than the deliberations of this body. Twenty-nine States Parties continue to participate faithfully in inspections and information exchanges, to the mutual security benefit of all. In sharp contrast, Russia's "suspension" of these activities, now in its twenty-first month, leaves an ominous gap in the unique transparency and predictability afforded by the CFE Treaty regime. We are approaching the second anniversary of Russian non-implementation of the CFE Treaty. It is clear that a situation where all States Parties but one are implementing the CFE Treaty cannot continue indefinitely.

The Russian government's continued participation in this body and its numerous and regular public statements of support all give indications of the value it places on the Treaty. Thus it is all the more difficult to understand Russia's persistence in maintaining its "suspension".

Last spring, senior representatives of our governments took the opportunity in a number of meetings to highlight the importance of the CFE Treaty regime. Efforts are continuing outside this body to preserve the principles of the Treaty and create the conditions for entry into force of the Adapted Treaty.

Mr. Chairman,

The United States of America calls on the Russian Federation to meet its CFE Treaty obligations in full. Our views on the Russian decision to cease implementation of the Treaty are well known.

As we have repeatedly stated, the United States firmly believes in the principles that bring us here, and in the continuing value of the CFE Treaty. The future of CFE depends on the compliance and cooperation of all of its States Parties. We call for renewed commitment and resolve, and we call for full compliance with the obligations of the CFE Treaty.

In this body, what we can and must do is sustain the core functions the JCG is chartered to perform: oversee Treaty implementation; consider disputes; raise compliance issues; resolve ambiguities and technical questions; and consider means to enhance the viability and effectiveness of the Treaty. Let's roll up our sleeves and reengage in these tasks. Thank you for your attention.

Mr. Chairman, I ask that this statement be attached to the Journal of the Day. End text.

CLINTON